IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 1830 OF 2001
WITH
CHAMBER SUMMONS NO.207 OF 2004

Jaideep Daooji Mehrotra. ...Petitioner.
Vs.
The Hon'ble Chief Justice, Bombay High Court & Anr. ...Respondents.

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Mr. C.U. Singh i/b. Mahimtura & Co. for the Petitioner.
Mr. R. M. Sawant, Govt. Pleader for Respondent No.1.
Mr. N.G. Thakkar i/b. M. P. Savla & Co. for Respondent No.2.

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CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 24, 2004.

P.C.:

The petitioner and respondent No.2 agree to refer all the disputes pertaining to the Agreement at Exhibit 'B' and the Deed of Assignment at Exhibit 'C' to the petition to Arbitration without prejudice to the respondents' contention that the Agreement to refer the said disputes to arbitration is not in existence. The parties agree that the arbitration shall be in terms of Circular dated 21st November 2003.

2. The Petitioner hereby appoints Mr. Justice H. Suresh (former Judge of the Bombay High Court) instead of Mr.Justice M. H. Kania (former Chief Justice, Supreme Court of India) as Arbitrator.

3. Respondent No.2 hereby appoints Mr. Justice D. R. Dhanuka (former Judge, Bombay High Court).

4. Both the said Arbitrators shall appoint Presiding Arbitrator in accordance with the provisions of the Arbitration and Conciliation Act and in terms of the Circular issued by the High Court on 21st November 2003.

5. The Arbitral Tribunal to be appointed in pursuance of clause 1 hereof shall decide upon all claims made by the petitioner and the Counter Claims (if any) by respondent No.2 including issues relating to jurisdiction and relating to contention on the part of the respondents that there is no subsisting Arbitration

Agreement.

6. Interim order passed in the above petition to continue. The parties shall be entitled to make further application to the Arbitral Tribunal for modification of interim order and/or for passing further interim orders.

7. The writ petition and the Chamber Summons stand disposed of in the aforesaid terms. No order as to costs.

8. The parties to act on an ordinary copy of this order duly authenticated by the office of this Court.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.